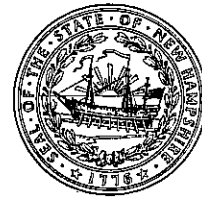




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 29, 2009

The Honorable Anne-Marie Irwin
House Executive Departments and Administration Committee
Legislative Office Building Room 306
Concord, New Hampshire 03301

Re: HB 252, an act relative to relative to state agency rulemaking concerning expiring administrative rules

Dear Chairman Irwin:

Thank you for the opportunity to comment on HB 252, relative to state agency rulemaking concerning expiring administrative rules.

The Department of Environmental Services (DES) supports this bill, with one concern. Specifically, DES questions whether proposed RSA 541-A:20-a, II (section 1, page 1 lines 9-10), which would require agencies to "contact the director [of the Office of Legislative Services] to develop a timetable of readoption or readoption with amendment," can be implemented effectively. DES alone has close to 200 individual rule chapters or parts, each of which is tracked relative to amendments and expiration. (A copy of the most recent tracking chart is attached.) Requiring the OLS Director to work with each agency, board, and commission having rulemaking authority to develop readoption schedules appears to create a burden on the Director that may not be cost effective. Further, on the occasions when DES has not initiated a readoption procedure well in advance of the expiration of expiring rules, it is because competing priorities have stretched our resources, not because we are unaware of the rules' impending expiration. Other than this provision, DES believes the proposed amendments generally provide useful clarifications.

Thank you again for the opportunity to comment on this bill. If you have any questions, please call me at 271-3449 or Gretchen Hamel, Legal Unit Administrator, at 271-3137.

Sincerely,

Thomas S. Burack
Commissioner

Enclosures: DES Rules Status List

cc: Representative Stohl
Representative Pilotte
Representative Patten
Senator Letourneau